



PATENT APPLICATION
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Medlock *et al.*

Serial No: 10/037,591

Filed: December 21, 2001

For: IL-17 Like Molecules and Uses
Thereof

Group Art Unit: 1714

Examiner: TBD

) I hereby certify that this paper is being
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) 23, 2002.

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**PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPH DRAWINGS
PURSUANT TO 37 C.F.R. §§ 1.84(a)(2), AND 1.84(b)(2)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.84(a)(2) and 1.84(b)(2), Applicants respectfully request to have color photograph drawings accepted in the above-identified utility patent application (hereafter "the application").

Color drawings may be considered necessary for Figs. 9A-H and 10A-10J because, in the application, these figures are described as depicting H & E staining, B220 staining, and F4/80 staining, which are color stains for identifying various immunological cells in tissue samples (*see specification*, page 169, lines 6-23). The various colored distinctions appear as different shades of black/grey when the figures are reproduced in black and white, rather than as the colors characteristic of H & E staining, B220 staining, or F4/80 staining. The various colored distinctions not only identify particular immunological cells but also the biological state of these cells (i.e. myeloid hyperplasia) (page 169, lines 15-23). Thus, color figures may be considered necessary in this application even though one skilled in the art is capable of understanding the staining depicted in Figures 9A-9H and 10A-10J by reference to black and white copies of these figures.

Color drawings may be considered necessary for Figures 16 and 17 because, in the application, these figures are described as 2-color flow cytometric dot plots. These 2-color flow cytometric dot plots depict the change in immunologic cell populations (granulocytes, eosinophils) in the IL-17 like transgenic mice vs. their non-transgenic littermate controls using either CD45R+ and IL-17 like-Fc (Figure 16) or CD4 and IL-17 like-Fc (Figure 17) markers to label the immunologic cells (*see* specification at page 19, lines 6 to page 10, line 8). Each particular immunologic cell that is labeled appears as a particular color on the dot plot. The various colored distinctions of each cell population appear as non-distinctive black dots when the figures are produced in black and white (see transgenic panel B in Figures 16 and 17).

Colored drawings may be considered necessary for Figure 23A-23C because, in the application, these colored figures are described as *in situ* hybridization immunostaining where IL-17RB expression was depicted as pink areas in cells within either lymph node tissue (Figure 23A), lung tissue (Figure 23B) or mesentery tissue (Figure 23C) (*see* specification page 189, lines 13-26). The pink colors that are representative of IL-17RB expression appear as non-distinctive black/grey shades when the figures are produced in black and white rather than distinctive pink expression vs. purple non-expressive cells when the figures are produced in color.

Pursuant to 37 C.F.R. §§ 1.84(a)(2)(i) and 1.17(h), a check for \$130.00 is enclosed herewith.

Pursuant to 37 C.F.R. § 1.84(a)(2)(ii), three sets of color drawings of Figures accompany this petition.

Pursuant to 37 C.F.R. §§ 1.84(a)(2)(iii) and 1.312, a proposed amendment (Preliminary Amendment "B") is submitted herewith to insert the following language in the specification:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.


This petition is not intended as an admission that color drawings are necessary to comply with any statutory requirement.

In connection with this petition the PTO is requested to charge any additional necessary fees or refund any overpayment to the Deposit Account No. 13-2855.

Respectfully submitted,

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